

## Mongolia

**1. Overview of the human rights and democracy situation:** Mongolia celebrated the 30<sup>th</sup> anniversary of its democratic transition in 2019 against the backdrop of crucial legislative developments. In November, the parliament passed the second revision of the Constitution since 1992, significantly altering the political system of Mongolia and tilting the balance of power from the president to the prime minister. During 2019, debates continued on the possible reintroduction of the death penalty for sexual abuses against minors (a proposal that had been made by the President in 2018). While child abuse is a prevalent issue in Mongolia, the re-introduction of the death penalty would be in contradiction with Mongolia's commitment to the International Covenant on Civil and Political rights. While Mongolia has been able to maintain its democratic form of governance and has a solid track-record of safeguarding human rights, a number of important issues (such as children's rights, worker's rights, status of human rights defenders, independence of the judiciary, anti-discrimination) need to be addressed by establishing a comprehensive legal framework. The independence of the judiciary was put into question when the parliament passed legislation in March 2019, granting the National Security Council, consisting of the president, the prime minister and the speaker of the parliament, authority to propose the dismissal of judges, the Head of the Independent Authority Against Corruption and the Prosecutor General. On this issue, the UN Special Rapporteur on the Situation of Human Rights Defenders and the UN Special Rapporteur on the Independence of Judges and Lawyers issued a joint letter in May 2019, voicing concerns over this procedure.<sup>1</sup> The 2019 mission of the United Nations Special Rapporteur on Human Rights Defenders concluded that Mongolia was a relatively safe country for human rights defenders. At the same time, it noted, obstacles such as stigma, intimidation, discrimination, harassment of human rights defenders (including LGBTI rights defenders and children rights defenders), and reports of cases of attacks and abuses against human rights defenders.<sup>2</sup> Draft laws on Non-Governmental Organisations and Human Rights Defenders were under discussion at the end of 2019. In September 2019, the UN Committee on the elimination of racial discrimination raised concerns about the lack of adequate funding and human resources for the National Human Rights Commission<sup>3</sup>. Progress was made on children's rights with legislation adopted and budgets increased. The government adopted a biannual action plan 2018-2019 to implement the National Program on Children's Development and Protection 2017-2021. Child labour continues to persist, especially in rural areas. A revision of the Labour Code, introducing additional rules and controls, is expected to address this issue. The current Criminal Code does not consider sexual harassment a crime and the Labour Law Code does not include any provisions on the prohibition of sexual harassment at the workplace. Both Laws are currently in the process of revision.

**2. EU action –key focus areas:** The EU continued to support Mongolia in a number of focus areas related to human rights and democracy. For 2019, the priorities focused on improving political finance regulatory frameworks and empowering women and youth leadership,

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<sup>1</sup>[https://www.ohchr.org/Documents/Issues/IJudiciary/Communications/OL\\_MNG\\_14.05.19\\_1.2019.pdf](https://www.ohchr.org/Documents/Issues/IJudiciary/Communications/OL_MNG_14.05.19_1.2019.pdf)

<sup>2</sup><https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24603&LangID=E>

<sup>3</sup>[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/MNG/CO/23-24&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/MNG/CO/23-24&Lang=En)

supporting the capacity of civil society organisations, and economic, social and cultural rights of vulnerable groups.

**3. EU bilateral political engagement:** During 2019, the 30<sup>th</sup> anniversary of the establishment of diplomatic relations between the EU and Mongolia was celebrated both in Ulaanbaatar and in Brussels with the organisation of dedicated events.

The visit of EU Heads of Mission (HoMs) took place in May 2019 and included public events as well as high-level meetings. During the meetings with the President and the Minister of Justice, human rights issues were extensively discussed, in particular the death penalty, the draft Law on Religion, draft Law on Non-Governmental Organisations, torture and independence of the judiciary. The HoMs exchanged views on the situation of human rights in Mongolia with international organisations, local NGOs and social partners.

The third EU-Mongolia human rights dialogue took place back-to-back with the joint committee in Ulaanbaatar in June 2019 and allowed to discuss recent human rights developments, including the debate around possible reintroduction of the death penalty for which the EU expressed concern, children rights, the fight against torture and the risk that the independence of the judiciary could be undermined.

**4. EU financial engagement:** The EU and its Member States continued to finance several projects focussing on actions in the field of the rule of law; actions in support of civil society and human rights defenders (including support to civil society in rural areas); support to vulnerable groups (women, children and people with disabilities) and the fight against discrimination; and actions in the field of economic, social and cultural rights (health, education, labour rights).

The EU co-funded a project to improve political finance regulatory frameworks, which built on existing momentum in Mongolia by offering inter-party dialogue especially targeting parties' leadership, as well as women and youth leaders, to build consensus on the legal and policy frameworks affecting political party financing.

The EU funded a project on a rights-based approach towards independent living for people with disabilities, implemented by Tegsh Nigem Association.

The EU financed the 'Right to Breathe (R2B)' project (implemented by People in Need), which aimed at strengthening access to information, awareness and monitoring of the situation and corresponding actions addressing air pollution in urban Mongolia. It contributed to a strong domestic accountability system and CSOs engagement in guaranteeing transparency alongside the Parliament, audit institution and media.

In 2019, the EU supported the Parliamentary Sub-Committee on Human Rights of Mongolia to organise a roundtable discussion on 'Workplace –Harassment Free Environment' to address the need to include provisions on sexual harassment, the implementation of ILO conventions, and to translate the ILO recommendations, including on non-discrimination, under these conventions.

Under the framework of the EU-financed ILO/EU GSP+2 project, training and workshops were organised with social partners on the informal economy, on fundamental principles and rights at work. Under the GSP+3 project, a training seminar on international labour standards and research to examine the gap between national legislation, policies and programmes were funded.

**5. Multilateral context:** Mongolia remains committed to inspecting complaints of torture and established a national preventive mechanism against torture, as recommended by the UN Committee against Torture in December 2018. During the 2015 Universal Period Review, Mongolia accepted a high number of recommendations. The upcoming review in 2020 will be an opportunity to review actions taken by Mongolia to improve the human rights situations and to fulfil its human rights obligations.

Mongolia has continued to support the Global Alliance for Torture-free Trade Initiative launched at the UNGA two years ago, and is currently working with the EU on ways to implement the Initiative in the best possible way.